THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.20846 OF 1998

DATED: 13-06-2007

Between:

Katragadda Venkateshwarlu

.. Petitioner

and

Mehar Baba Gurukul High School, Vijayapuri South, 522 439, Guntur District represented by the Correspondent K. Ramakrsihna Rao and others.

.. Respondents

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ORDER:

This writ petition is filed seeking a mandamus directing the respondents to consider the case of the petitioner to retain him in the post of Record Assistant in the 1st respondent school in the light of the Judgment of this Court in W.P.No.15921 of 1989 and batch, and not to fill up the post till the said exercise is completed.

The facts, in brief, are that the petitioner was working as Record Assistant in the 1st respondent school with effect from 07.08.1989. Though, initially, the said post was an unaided post, later it was admitted to grant in aid vide G.O.Ms.No.178 Education Department dated 23.07.1990 along with four other posts. Thereafter, the Correspondent of the 1st respondent school conducted interview through staff selection committee to the said posts for which grant in aid was sanctioned on 15.09.1990. Accordingly, after the interviews, the petitioner was absorbed into the said aided post of Record Assistant with effect from 1.11.1989 and he was put on regular time scale. The Correspondent of the 1st respondent school followed the instructions issued in G.O.Ms.No.524 in appointing the petitioner and four others in the said aided posts. However, the approval for absorption and appointment of the petitioner and the said four others into the said aided posts was rejected by the Education Department, vide order dated 05.07.1991, on the ground that the procedure laid

down in G.O.Ms.524 was not followed. Aggrieved by the same, the petitioner and the four others filed a writ petition, being W.P.No.11689 of 1991, before this Court seeking to set aside the said order of rejection. The said writ petition was disposed of along with similar writ petitions, being W.P.No.15921 of 1989 and batch, by the Division Bench of this Court, by order dated 31.12.1996, directing the Government to constitute a committee of officials either region-wise or state-wise which will go into the performance, service record and basic qualifications of the teachers, who have been irregularly appointed by the private managements concerned contrary to G.O.Ms.No.524 (Education Rules) dated 20.12.1988. Further, the managements (educational agencies) were directed to produce before the Committee the relevant record and information so as to enable the committee to judge the suitability of the candidates to be continued. It is the grievance of the petitioner that, though such directions are there, the respondents did not consider his case.

Though no counter is filed, the learned Government Pleader appearing for the respondents argued the case on the basis of para wise remarks received.

According to the para wise remarks, basing on the above said Judgment dated 31.12.1996, the Government issued G.O.Ms.No.301 Education, dated 25.09.1997, duly constituting a committee to regularize the appointments made contrary to G.O.Ms.No.524, dated 20.12.1988. Accordingly, all the managements furnished the required particulars and records pertaining to the appointments made in violation of G.O.Ms.No.524 for the approval of the Government, but, the Correspondent of the 1st respondent school did not furnish any records pertaining to the post of Record Assistant and four other posts. It is their case that since the Correspondent of the 1st respondent school

did not furnish any records with regard to the appointment made in the post of Record Assistant, the authorities cannot take any action at this juncture without perusal of the concerned records and the Government cannot be blamed for the same. The Correspondent alone is responsible for payment of salary to the petitioner. The learned Government Pleader also stated that the said committee constituted by the Government is no more in existence as of now.

From the above mentioned contents of para wise remarks and the contentions of the learned Government Pleader, it is clear that the Correspondent of the 1st respondent school did not take any steps for regularization of the appointment of the petitioner for which the respondents cannot be blamed, as rightly contended by the learned Government Pleader. Therefore, no relief as sought for in the writ petition can be granted. Moreover, it is more than nine years since the writ petition is filed. The writ petition is devoid of merits and is liable to be dismissed.

The writ petition is accordingly dismissed. No costs.

C.V. RAMULU, J

13th June, 2007.

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